

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC.,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)

Before JON B. TORNQUIST, CHRISTOPHER M. KAISER, and
JULIA HEANEY, *Administrative Patent Judges*.¹

TORNQUIST, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order addresses similar requests submitted for each of the above-captioned proceedings. We issue one Order to be filed in each proceeding. The listing of Judges here does not expand any of the panels. The parties are not authorized to use this heading style in any subsequent papers.

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On March 21, 2024, by e-mail, Greenthread, LLC (“Patent Owner”) requested an extension for filing its Patent Owner Preliminary Response in each of the above-captioned proceedings. Ex. 3001. Semiconductor Components Industries, LLC (“Petitioner”) opposes. *Id.*

BACKGROUND

In IPR2023-01242, -01243, and -01244, Petitioner filed a petition requesting *inter partes* review of three of Patent Owner’s patents. *See* IPR2023-01242, Paper 1.² In each Preliminary Response, Patent Owner asserts that the petitions should be dismissed as untimely under 35 U.S.C. § 315(b) because Petitioner is in privity with two time-barred parties. IPR2023-01242, Paper 18; Ex. 3001. Upon review of the parties’ arguments and evidence, the panel determined that the record did not sufficiently show that the petitions were time-barred. IPR2023-01242, Paper 35 at 22.

On February 26, 2024, Patent Owner filed a Request for Director Review in each of the proceedings. IPR2023-01242, Paper 37. Those requests are pending.

REQUEST

Patent Owner contends that because the above-captioned cases “raise substantially the same issue of timeliness under 315(b)” as that presented in IPR2023-01242, -01243, and -01244, “[t]he outcome of the Director Review process is likely to substantially affect Patent Owner’s [Preliminary Response].” Ex. 3001, 1. Accordingly, “Patent Owner requests an

² We cite to the record in IPR2023-01242. Similar papers and exhibits were filed in all three proceedings.

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extension for filing of its [Patent Owner Preliminary Response] until two weeks after the Director acts on Patent Owner's petition. In the alternative, Patent Owner requests a two week extension to file its" Preliminary Response. *Id.*

Petitioner opposes the request. According to Petitioner, the requested extensions are unnecessary and would extend the date for an institution decision and final written decision, whereas Patent Owner has opposed Petitioner's motion for a stay of the co-pending district court case on the basis, inter alia, that the present petitions have not yet been instituted. *Id.* at 1–2. Petitioner further contends that Patent Owner's "wait-and-see approach" would allow it to pivot to a secondary set of arguments if the pending Director review request is granted. *Id.* at 2.

ANALYSIS

Our rules are "construed to secure the just, speedy, and inexpensive resolution of every proceeding." 37 C.F.R. § 42.1(b). Here, the parties in the above-captioned cases are the same as in IPR2023-01242, -01243, and -01244, and Patent Owner represents that the same issues of timeliness under § 315(b) are at issue in the above-captioned cases. Patent Owner's Request for Director Review has already been pending for about one month, and any decision on the request may provide significant guidance (whether granted or denied) to the parties. And, although an extension will delay the issuance of the decisions on institution and any potential final written decisions in the above-captioned cases, we find that the burden of a short delay is outweighed by the need for a "just" and "inexpensive" resolution of these proceedings. Accordingly, we grant a one-month extension of the

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deadline for filing Patent Owner's Preliminary Response, from March 28 to April 29, 2024. If a decision on the Request for Director Review is issued on, or prior to, April 29, 2024, Patent Owner shall file its Preliminary Response, if any, within two weeks of said Decision. If a Decision on the Request for Director Review has not been issued by April 29, 2024, the Preliminary Response is due on that date. We do not foresee granting any further extensions.

ORDER

Accordingly, it is

ORDERED that the deadline for filing the Preliminary Response in IPR2024-00263, -00264, -00265, and -00266 is extended to April 29, 2024;

FURTHER ORDERED that if a Decision on Patent Owner's Request for Director Review is issued on or before April 29, 2024, the Preliminary Response is due two weeks after the date the Decision issues; and

FURTHER ORDERED that no further extension of time for filing the Preliminary Responses is anticipated.

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